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09/088,737	06/02/1998	RYUZO KOANA	862.2339	2096

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EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2624

DATE MAILED: 07/21/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/088,737

Applicant(s)

KOANA, RYUZO

Examiner

King Y. Poon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 36-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 1998 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Request for Continued Examination***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/6/2003 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 36-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo (US 5,287,194) and incorporated references Evanitsky et al. (US 5,045,880, see column 4, lines 40-45, Lobiondo) and Fillion et al (US 5,036,361, see column 6, lines 45-50, Lobiondo).

Regarding claim 36: Lobiondo teaches a data processing apparatus (workstation, column 3, lines 30-35) having a printer driver (scheduler, column 3, lines 35-50) for generating print data (sending part of a print job to a printer, column 4, lines 60-61, the part of a print job being sent is print data generated by the scheduler) in accordance with a print request (request, column 3, lines 55-60) issued by an application program (the print job program, column 4, lines 39-40, also see column 3, lines 30-50, lines 55-58) and assigning the generated print data (column 4, lines 55-58) to one of a plurality of image output apparatuses, (10, fig. 1, column 3, lines 20) the data processing apparatus comprising: limiting means (the program that allowing user enters a print job, column 4, lines 39-45, Lobiondo, also see 428, fig. 13, 442-0 to 442-N, fig. 14, and column 12, lines 10-20, Evanitsky) for limiting selection conditions, (e.g., 64% to 142%, fig. 14, Evanitsky) which are associated with printing and capable of being designated by an operator, within a range (e.g., 64% to 142%, fig. 14, of Evanitsky represented the limits of the range for reduction or enlargement function; allowing user to select paper tray 2, and 3, but not 1, column 12, lines 20-25, column 12, lines 35-36, Evanitsky) defined by a sum of functions (each function is a feature provided by the image output apparatus for printing a print job, column 3, lines 45-53, Evanitsky) each provided by at least one of the plurality of image output apparatus; control means (the display program for controlling the display to generate light signals) for controlling a display

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device to display the selection conditions limited by the limiting means in a form such that the operator can designate a desired selection condition; and constructing means (the program that is controlling the communication of the workstation and the communication link 20, column 3, lines 15-25, column 3, lines 40-45) for constructing within the data processing apparatus, a plurality of logical interfaces, (communication channels of communication link 20, column 3, lines 20-25) for transmitting the print data directly to one of the plurality of image output apparatuses, (10, fig. 1, column 3, lines 20) each of the plurality of logical interfaces respectively corresponding to the plurality of image output apparatuses, (column 3, lines 23-26) wherein the generated print data is assigned to one of the plurality of image output apparatuses that is selected based on a selection condition designated by the operator (column 3, lines 50-65) and information which is stored in advance (column 4, lines 63-68, column 4, lines 1-15) and which indicates print functions of the plurality of image output apparatuses.

Regarding claim 37: Lobiondo teaches generating means for generating a plurality of lists (the list of type of document, time the work is desired to be finished, column 3, lines 50-60) in a case where a plurality of selection conditions are designated by the operator, (user, column 3, line 56) the plurality of lists respectively corresponding to the plurality of designated selection conditions and each of the lists including one or more image output apparatuses satisfying the corresponding selection condition; (column 4, lines 50-57) and selecting means (the program that selects available printers for printing the print job, column 4, lines 50-57) for selecting an image

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output apparatus satisfying the plurality of designated selection conditions based on the plurality of lists generated by the generating means. (Column 4, lines 40-60)

Regarding claim 38: Lobiondo teaches message display means (fig. 13, fig. 14, Evanitsky) for displaying a message (e.g., reduce/enlarge preset, fig. 14) asking the operator to designate a desired selection condition; acquiring means (the software that is responsible for capability and availability of each printer, column 3, lines 64-68) for acquiring job control data from each of the plurality of image output apparatuses in a case where a selection condition designated by the operator designates to select an image output apparatus which completes an assigned print job in a shortest time (fastest printer, column 4, lines 50-55); predicting means (the software of the scheduler that determining whether a printer can complete a job on time, column 4, lines 55-56, Lobiondo, column 6, lines 45-50) for predicting, for each of the plurality of image output apparatuses, a time required to complete a print job assigned thereto; selecting means (the program of the scheduler that selects a printer, column 4, lines 50-63) for selecting an image output apparatus which will complete an assigned print job in a shortest time based on the prediction result (column 4, lines 50-55) obtained by the predicting means; and window generating means (user interface, column 6, lines 45-50) for generating a window showing a list of print wait times (column 9, lines 5-15, Filion, abstract, Filion) with respect to each print job which has been assigned to the image output apparatus selected by the selecting means.

Regarding claim 39: Lobiondo teaches assigning means (the program that controls the allocation of print jobs, column 4, lines 55-60) for assigning a print job, including the print data,

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to one of the plurality of image output apparatuses based on the selection condition designated by the operator; (column 3, lines 50-69) converting means (modems, column 3, line 24-25) for converting (modulates) the print data to conform to the image output apparatus to which the print job is assigned by the assigning means; and transmitting means (the function part of the modem that send data onto a telephone line, column 3, lines 20-30) for transmitting the print data converted by said converting means (modem, column 3, line 24) to the image output apparatus (printer, column 3, line 25) through the logical interface (communication channels, column 3, line 25-26) corresponding to the assigned image output apparatus constructed by the constructing means (the program that is controlling the communication of the workstation and the communication link 20, column 3, lines 15-25, column 3, lines 40-45).

Regarding claims 40-43: Claims 40-43 are claiming method steps for the operation of the apparatus discussed in claims 36-39. Please see discussion on claims 36-39.

Regarding claims 44-47: Lobiondo teaches the program discussed in claims 40-43 is stored in a workstation/PC. (Column 3, lines 25-35, 40-45). A workstation or a PC is inherently having a memory medium for storing program codes. Please also see discussion on claims 44-47.

### ***Response to Arguments***

5. Applicant's arguments filed on 6/6/2003 have been fully considered but they are not persuasive.

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With respect to applicant's argument that applied references do not teach limiting selection conditions, which are associated with printing and capable of being designated by an operator, within a range defined by a sum of functions each provided by at least one of a plurality of image output apparatuses.

In reply: Lobiondo, column 4, lines 43-45, teaches a method for allowing a user/operator for entering a print job such that the print job is to be printed by at least one of a plurality of printers. Lobiondo further teaches to refer to Evanitsky for the teaching of programming print job using printer functions.

Evanitsky teaches to program a print job using a display (e.g., figs, 23, 24) displaying a range (e.g., 64% to 142%, fig. 14, of Evanitsky represented the limits of the range for reduction or enlargement function; allowing users to select paper tray 2, and 3, but not 1, column 12, lines 20-25, column 12, lines 35-36, Evanitsky) defined by a sum of functions (e.g., reduce/enlarge functions of fig. 14; and the function of printing with paper tray 2 and 3, but not 1, column 12, lines 20-25) each (each function is a feature provided by the machine for printing a print job, column 3, lines 45-53) provided by an (at least one) image output apparatus/machine.



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***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892

July 17, 2003

*King Y. Poon*